

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NEW YORK STATE CORRECTIONAL OFFICERS AND
POLICE BENEVOLENT ASSOCIATION, *et al.*,

Plaintiffs,

**DECLARATION OF
BRIAN W. MATULA**

-against-

KATHY HOCHUL, in her official capacity as Governor of the
State of New York¹, *et al.*,

Docket No.: 1:21-CV-0535
(MAD/CFH)

Defendants.

I, **BRIAN W. MATULA**, an attorney licensed to practice law in the State of New York and United States District Court for the Northern District of New York, affirm under penalties of perjury, the following:

1. I am the Assistant Attorney General assigned to the defense of this action. As such, I have personal knowledge as to the facts set forth herein.
2. Plaintiffs commenced this action on May 7, 2021. *See* Dkt.1, *Complaint*.
3. Plaintiffs' complaint seeks for this Court to declare as unconstitutional and prohibit implementation and enforcement of (1) the Settlement Agreement entered in *Peoples v. Annucci* ("NYCLU Settlement"); and (2) the Humane Alternatives to Long-Term Solitary Confinement Act ("HALT"). *See* Dkt. 1, *Complaint* at 63-64.
4. The "NYCLU Settlement" arises out of *Peoples, et al. v. Annucci, et al.*, No. 11 CV 2694 (S.D.N.Y.). The NYCLU Settlement is filed in the United States District Court for the

¹ Governor Kathy Hochul succeeded Andrew M. Cuomo as Governor of the State of New York on August 24, 2021. Accordingly, Governor Hochul has been automatically substituted as a defendant. *See* Fed. R. Civ. P. 25(d). Defendants respectfully request that the Court direct the Clerk of the Court to modify the Court's electronic docket accordingly.

Southern District of New York on the Court's ECF Docket as Document 137-1. A copy of the NYCLU Settlement is attached hereto as "Exhibit 1" for the Court's convenience.

5. The Complaint's challenge to the Humane Alternatives to Long-Term Solitary Confinement Act ("HALT") arises out of New York State's enactment of The Laws of 2021, Chapter 93. Attached for the Court's convenience as "Exhibit 2" is the slip copy of the session law identifying amendments made to the Correction Law. Also attached for the Court's convenience as "Exhibit 3" is a copy of the Governor's approval memorandum.

6. Following the enactment of HALT, the Governor's Office issued a statement identifying several of HALT's key provisions. Attached hereto as "Exhibit 4" is a copy of the April 1, 2021 statement.

Dated: September 20, 2021
Albany, New York

s/Brian W. Matula
Brian W. Matula
Assistant Attorney General, of Counsel

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